



City Council Agenda

Council President
Brad Castillo

Councilmembers

Tom Boyajian
Brian Calhoun
Mike Dages

Jerry Duncan
Henry T. Perea, Acting President
Cynthia Sterling

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

TUESDAY, FEBRUARY 24, 2004

If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address.

8:30 A.M. ROLL CALL

Invocation by Senior Pastor Jeffrey Harrington of the Central Community Church

Pledge of Allegiance to the Flag

Proclamation of the "AREA 1 YOUTH COMMISSION" - Acting President Perea

Proclamation of the "CENTRAL CALIFORNIA CHAPTER OF THE LEUKEMIA AND LYMPHOMA SOCIETY" - Council President Castillo

Certificate of Recognition in honor of Marge Hinkley on her 95th Birthday - Mayor and All City Councilmembers

Presentation by City Manager

Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Approve minutes of February 10, 2004

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All consent calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- A. * Approve an Agricultural Lease Agreement with Stephen and Analisa England, husband and wife, for 158 acres of City-owned land at the Regional Wastewater Reclamation Facility - Dept. of Public Utilities

Action Taken:

- B. **RESOLUTION** - Waive competitive bidding requirements for the repair of structural damage to the flow split structure at Fresno/Clovis Regional Wastewater Reclamation Facility - Dept. of Public Utilities

Action Taken:

- C. * **RESOLUTION** - 68th amendment to AAR No. 2003-209 appropriating \$20,700 for special projects in the Facilities Management Division (Renovation of the Chaffee Zoo's Sunda Forest Exhibit Classroom, funding to be provided by the Fresno Zoological Society) **(Requires 5 affirmative votes)** - General Services Dept./Facilities Management Division

Action Taken:

- D. * Award a contract to ABM Janitorial Services, Northern California, dba ABM Janitorial Services, Inc. of Fresno, for custodial services at City Hall (RFP # 8597) - General Services Dept./Purchasing Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- E. * Award a contract to Bill Nelson General Engineering Construction, Inc. of Fresno, for wastewater collection system new access structures - General Services Dept./Purchasing Dept.
Action Taken:
- F. * Award a contract to Ford Construction Company, Inc. of Lodi, California, for Phase One of the Fresno Yosemite International (FYI) Airport Air Cargo Park Development - General Services Dept./Purchasing Dept.
Action Taken:
- G. * Award a contract to Graham Prewett, Inc. of Fresno, to re-roof two (2) buildings at the City's Municipal Service Center - General Services Dept./Purchasing Dept.
Action Taken:
- H. * **RESOLUTION** - 67th amendment to AAR No. 2003-209 appropriating \$114,100 to fund eight (8) additional Firefighter positions for three (3) months (Two FTE's) (***Requires 5 affirmative votes***) - Fire Dept.
Action Taken:
1. * **RESOLUTION** - 7th amendment to PAR No. 2003-210, adding eight (8) Firefighter positions for three (3) months
Action Taken:
- I. Adopt a Resolution of Intention No. 1032-D to vacate portions of Weldon, Glenn and Calaveras Avenues and a portion of the Weldon-Normal Alley - Public Works Dept.
Action Taken:
- J. Approve the sale of an easement for access and drainage purposes to CalTrans across the Sugar Pine Trail at State Highway 41 and Nees Avenue - Public Works Dept.
Action Taken:
- K. Approve a Seventh Amendment to agreement with Camp Dresser and McKee for environmental engineering services relating to groundwater remediation activities at the Fresno Sanitary Landfill (FSL) Superfund Site - Public Works Dept./Dept. of Public Utilities
Action Taken:
- L. Approve acquisition of land near Shields and Millbrook Avenues for Pump Station 46A - Public Works Dept.
Action Taken:
- M. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno and the Fresno Police Officers' Association (FPOA Unit 04), covering the period of July 1, 2003, through June 30, 2006 - Personnel Dept.
Action Taken:
- N. * **RESOLUTION** - 65th amendment to AAR No. 2003-209 appropriating \$130,100 from contingency and an additional \$134,900 for the purpose of funding the reimbursement to the State of California for

unemployment benefits **(Requires 5 affirmative votes)** - Personnel Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- O. Approve Second Amendment to Professional Services Agreement with Reinard W. Brandley for the Fresno Yosemite International (FYI) Airport Air Cargo Project - Dept. of Transportation

Action Taken:

- P. * **RESOLUTION** - 64th amendment to AAR No. 2003-209, appropriating \$162,000 in donations for the Chaffee Zoo (Revenue from the Dollars from Angels Campaign) **(Requires 5 affirmative votes)** - Parks, Recreation and Community Services Dept.

Action Taken:

- Q. * Approval of a three (3) year agreement for convention sales and services between SMG and Fresno Convention and Visitors Bureau - City Manager's Office

Action Taken:

- R. **BILL FOR INTRODUCTION** - Amending the text of the Fresno Municipal Code, adding "Bookstore, not to exceed 2,000 square feet of floor area," to the C-P (*Administrative and Professional Office*) zone district subject to a conditional use permit **(Set 3/9/04 at 10:30 a.m. for hearing on adoption)** - Planning and Development Dept.

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

9:55 A.M.

JOINT SESSION WITH THE FRESNO REDEVELOPMENT AGENCY AND THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY

Approve minutes for Fresno Redevelopment Agency of February 10, 2004

Action Taken:

- A. Appoint one (1) member to fill vacancy on the Fresno Recreational Facilities Financing Authority **(Agency Action)**

Action Taken:

ADJOURN AGENCY AND AUTHORITY

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED
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- 10:00 A.M.** **HEARING** regarding Community Facilities District No. 2, Annexation No. 60, Final Tract Map No. 5098 - Public Works Dept.
Action Taken:
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2, Annexation No. 60 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 60, Final Tract Map No. 5098
Action Taken:
- 10:05 A.M.** **HEARING** regarding Community Facilities District No. 2, Annexation No. 61, Final Tract Map No. 4598 - Public Works Dept.
Action Taken:
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2, Annexation No. 61 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 61, Final Tract Map No. 4598
Action Taken:
- 10:10 A.M.** **HEARING** regarding Community Facilities District No. 2, Annexation No. 62, Final Tract Map No. 5189 - Public Works Dept.
Action Taken:
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2, Annexation No. 62 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 62, Final Tract Map No. 5189
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

10:20 A.M. **HEARING** to consider Plan Amendment Application No. A-03-08, Rezone Application No. R-03-50, and environmental findings, filed by Ephesians Management Group, pertaining to 1.94 acres located on the south side of W. Dakota Avenue, west of N. Teilman Avenue (***Property located in District 1***) - Planning and Development Dept.

Action Taken:

1. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment A-03-08/R-03-50
2. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Fresno High-Roeding Community Plan from the medium density residential planned land use designation to the medium-high density residential land use designation
3. **BILL** - Amending the Official Zone Map to rezone the site from the R-A (*Single-Family Residential-Agricultural*) zone district to the R-2-A (*Low Density Multiple Family Residential-Single Story*) zone district

Action Taken:

10:30 A.M. **HEARING** to consider Rezone Application No. R-03-17, and environmental findings, filed by Lennar Homes, pertaining to approximately 35 acres of land located on the south side of W. Herndon Avenue between N. Grantland Diagonal (Alignment) and N. Polk Avenue (***Property located in District 2***) - Planning and Development Dept.

Action Taken:

1. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment R-03-17/T-5141
2. **BILL** - Amending the Official Zone Map to rezone the site from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-1/EA/UGM (*Single-Family Residential/Expressway Area/Urban Growth Management*) zone district

Action Taken:

10:45 A.M. - 11:00 A.M. **RECESS**

11:00 A.M. Receive Economic Development Corporation's Annual Assessment Report for Fiscal Year 2003 - Economic Development Dept.

Action Taken:

1. * **RESOLUTION** - Approving the appropriation of \$300,000 from contingency for the renewal of the contract between the City of Fresno and the Fresno County Economic Development Corporation

Action Taken:

- a. Authorize City Manager to execute agreement with the Economic Development Corporation of Fresno County for Fiscal Year 2004

Action Taken:

2:00 PM #1

CONTESTED CONSENT ITEMS

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

2:00 PM #2

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Julian Celaya, III, et al. v. City of Fresno, et al.; USDC Case No. CIV-F-02-5874-OWW SMS
Action Taken:
 2. **Case Name:** Yolanda Salazar v. City of Fresno
Action Taken:
 3. **Case Name:** City of Fresno v. Cherta Farms, Inc., et al.
Action Taken:
- B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
Significant Exposure to Litigation:
1. **Case Name:** Shaw Environmental, Inc. v. City of Fresno
Action Taken:
- C. **CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision (c)
1. **Case Name:** City of Fresno v. Mauldin-Dorfmeier Construction, Inc., et al.
Action Taken:

2:00 PM #3

CLOSED SESSION ANNOUNCEMENTS (IF ANY)

- 3:15 P.M. **WORKSHOP** regarding Social Services funding process and direction to staff to return with final documents - Acting President Perea and Councilmember Sterling - **Meeting Room "A" - 2165N**
Action Taken:

2.

GENERAL ADMINISTRATION

3.

CITY COUNCIL

- A. Direct staff to research and develop a sustainable building policy pertaining to buildings owned and operated by the City of Fresno, and direct staff to return in 45-60 days with a proposed ordinance, and research and develop environmental processing incentives for housing developments - Acting President Perea
Action Taken:

- B.** Establish the same four (4) hour rule for work requests by the City Council for the City Clerk's Office, as we now have for the City Attorney's Office, and if the City Clerk expects a work request by a Council member to take more than four (4) hours to complete, the request will be placed before the City Council for approval - Councilmember Duncan

Action Taken:

4.

PUBLIC COMMENT PERIOD - No Council action except to place on future agenda. Presentation limited to three (3) minutes.

- A. SCHEDULED PUBLIC COMMENT** - Appearance by Harley Turner to discuss Application No. A-04-02, filed by Derrel's Mini Storage
- B. UNSCHEDULED COMMUNICATION** - Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar. 2 - NO MEETING ELECTION DAY

Mar. 9 - 9:45 A.M.	Report from the Blue Ribbon Commission relating to Historic Preservation
Mar. 9 - 10:00 AM#1	HEARING re: Rezone Appl. No. R-03-47, filed by Harbor & Assoc., on behalf of Patriot Homes and McKinley Ventures, LLC
Mar. 9 - 10:00 AM#2	HEARING re: Community Facilities District No. 2, Annexation No. 63, Final Tract Map No. 5173
Mar. 9 - 10:05 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 64, Final Tract Map No. 5148
Mar. 9 - 10:10 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 65, Final Tract Map No. 5127
Mar. 9 - 10:15 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 66, Final Tract Map No. 5206
Mar. 9 - 10:20 A.M.	HEARING re: Rezone Appl. No. R-03-74, filed by Mario Valmonte
Mar. 9 - 10:30 A.M.#1	HEARING re: Rezone Appl. No. R-03-75, filed by Tim Hodges
Mar. 9 - 10:30 A.M.#2	HEARING re: Proposed ordinance amending the text of the FMC regarding size of bookstores
Mar 9 - 11:00 A.M.	WORKSHOP re: Medical plans and Health & Welfare Trust - Personnel Dept. - Meeting Room "A" - 2165N
Mar. 9 - 3:30 P.M.	HEARING re: Cable franchise issues
Mar. 16 - 8:30 A.M.	Presentation of Driver Appreciation Awards for the 3 rd and 4 th Quarter - Council President Castillo
Mar 16 - 10:00 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 67, Final Tract Map No. 5067
Mar. 16 - 10:05 A.M.	HEARING re: Rezone Appl. No. R-03-30, filed by Logan and Associates, on behalf of Derrell's Mini Storage
Mar. 16 - 10:15 A.M.	HEARING re: Rezone Appl. No. R-03-63, filed by David Valenzuela
Mar. 16 - 10:30 A.M.	HEARING re: Resolution of Necessity to authorize eminent domain to acquire public street easements along Herndon Avenue between Polk and Weber - Public Works Dept.
Mar 16 - 2:15 P.M.	WORKSHOP re: Neighborhood Infrastructure Master Plan - Public Works Dept.
Mar 16 - 3:15 P.M.	WORKSHOP re: Transportation Overview - Public Works Dept.
Mar. 23 - NO MEETING	
Mar. 30 - 10:00 A.M.	HEARING - To adopt a resolution to vacate portions of Weldon, Glenn, and Calaveras Avenues - Public Works Dept.
Mar. 30 - 10:15 A.M.	HEARING re: Rezone Appl. No. R-03-73, filed by Ed Daniels
Mar. 30 - 10:30 A.M.	HEARING re: Rezone Appl. No. R-03-70, filed by Paul Stommel, for Percy and Crystal Williams
Mar. 30 - 10:45 A.M.	HEARING re: Rezone Appl. No. R-03-62, Plan Amendment No. A-03-13, filed by JCT Development II, LLC, the Asch Family, and Ashlan and Blythe Partners
Mar. 30 - 2:15 P.M.	JOINT WORKSHOP re: Caltrans and City Partnership - Public Works and Planning and

Dev. Depts.

Apr. 6 - 10:00 A.M. HEARING re: vacation of Washington Avenue between Thesta Street and the Fresno-Howard Alley, Howard Street between McKenzie Avenue and Washington Avenue, and the Howard-Thesta Alley north of McKenzie Avenue (R.I. No. 1033-D)

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

UPCOMING WORKSHOPS

Mar 9 - 3:00 P.M. WORKSHOP re: Medical plans and Health & Welfare Trust - Personnel Dept.

Mar 16 - 2:15 P.M. WORKSHOP re: Neighborhood Infrastructure Master Plan - Public Works Dept.

Mar 16 - 3:15 P.M. WORKSHOP re: Transportation Overview - Public Works Dept.

Mar. 30 - 2:15 P.M. JOINT WORKSHOP re: Caltrans and City Partnership - Public Works and Planning and Dev. Depts.

FUTURE WORKSHOPS (*Date to be determined*)

WORKSHOP re: Urban forest - Parks, Recreation and Community Services Dept. - **Meeting Room "A" - 2165N**

WORKSHOP re: Consideration of additional services to be provided by Community Facilities Districts in the City of Fresno - Public Works Dept. - **Meeting Room "A" - 2165N**